

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TROY K. SCHEFFLER,

Plaintiff,

v.

COUNTY OF DUNN,

Defendant.

ORDER

08-cv-622-bbc

On July 31, 2009, I denied plaintiff's motion to strike his brief in opposition and for an extension to file a complete brief in opposition to defendant's motion for summary judgment. Dkt. #38. Some of the reasons for the denial were plaintiff's apparent failure to read and follow the court's procedures regarding motions for summary judgment. Plaintiff has filed a motion requesting reconsideration of the denial of his motion to strike and for an extension of time. Dkt. #39.

In his motion, plaintiff contends that he was utterly confused by the court's procedures regarding the response and reply to motions for summary judgment. Plaintiff believed that his response to defendant's motion was merely an opportunity to dispute whether the case should be considered on a motion for summary judgment as opposed to

going to trial. He contends that he intended to file a proper and complete brief in opposition as a reply brief, which he believed he was entitled to file. Although plaintiff's confusion regarding the difference between a response and reply brief and who was entitled to file each brief is somewhat puzzling, plaintiff's failure to follow almost all of the court's summary judgment procedures in his opposition brief lends some credence to his confusion. Regardless of plaintiff's confusion, his new motion does not alter the conclusion that plaintiff failed to take care to read this court's summary judgment procedures. Nonetheless, plaintiff says that despite his confusion he needs only one week to prepare and submit a proper brief in opposition to defendant's motion for summary judgment. In light of this proposal, I find that it would be proper to permit plaintiff the opportunity to correctly respond to defendant's motion.

Accordingly, plaintiff's motion for reconsideration of the court's July 31, 2009 order will be granted. Further, plaintiff's motion to strike his brief in opposition and for an extension to file a complete brief will be granted. Plaintiff will have until August 19, 2009, to file his opposition materials. Because plaintiff's opposition deadline has been extended, defendant's reply deadline will be extended to August 31, 2009. Finally, I note that plaintiff's pro se status does not give him the freedom to ignore the court's summary judgment procedures. He must adhere to those procedures in the materials he files in opposition to defendant's motion for summary judgment, so he should read the procedures

closely.

ORDER

IT IS ORDERED that:

1. Plaintiff's motion for reconsideration, dkt. #39, is GRANTED;
2. Plaintiff's motion to strike his brief in opposition and for an extension to file a complete brief, dkt. #37, is GRANTED;
3. Plaintiff has until August 19, 2009 to file his opposition materials in response to defendant's motion for summary judgment; defendant has until August 31, 2009 to file its reply to plaintiff's response.

Entered this 11th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge